

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11-CR-098 TIA
)	
GREGORY FROST,)	
)	
Defendant.)	

ORDER

This matter is before the Court upon Defendant's motion to determine the competency of Defendant Gregory Frost ("Defendant") under 18 U.S.C. §§ 4241 and 4242. Upon application of Defendant, the undersigned United States Magistrate Judge ordered a psychiatric examination of Defendant on March 30, 2011. Thereafter, Defendant was transferred to a United States medical facility, to complete the psychiatric examination.

On June 17, 2011, the Court received a Forensic Report regarding Defendant's mental health evaluation dated June 13, 2011, from the medical facility. Thereafter, the Court noticed counsel for Defendant and the Government that the Court would take up Defendant's motion to determine competency on the June 22, 2011, hearing date. On that date, Defendant appeared with counsel as did counsel for the Government. Counsel for the Government requested that the Court accept the Forensic Report in evidence. There was no objection by Defendant. No other evidence was presented by either party.

The test for determining competency to stand trial is (1) whether Defendant has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding and (2) whether Defendant has a rational, as well as factual, understanding of the proceedings against him. See **Dusky v. United States**, 362 U.S. 402, 402 (1960) (per curiam). The district court is responsible to conduct an evidentiary hearing if there is "sufficient doubt" about defendant's competency. See **United States v. Long Crow**, 37 F.3d 1319, 1325 (8th Cir. 1994) (citing **United States v. Day**, 949 F.2d 973, 981 and n.8) (8th Cir. 1991)).

Based upon the Forensic Report and the applicable law, the Court finds that Defendant does not suffer from a severe mental disease or defect and has the ability to understand the nature of the legal proceedings against him. The Court further finds Defendant to be competent to assist in his own defense.

/s/ Nannette A. Baker _____
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE

Dated this 22 day of June, 2011.